

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 122 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

Senate Chamber,  
Austin, Texas, Feb. 28, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on En-  
grossed Bills, have had Senate Bill  
No. 296 carefully compared and find  
same to be correctly engrossed.

FLOYD, Vice Chairman.

### THIRTY-SIXTH DAY.

Senate Chamber,  
Austin, Texas,  
Tuesday, March 1, 1921.  
The Senate met at 9:30 o'clock a.  
m. pursuant to adjournment, and  
was called to order by Lieutenant  
Governor Lynch Davidson.

The roll was called, a quorum be-  
ing present, the following Senators  
answering to their names:

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Watts.
Dorough.	Williams.
Dudley.	Witt.
Fairechild.	Wood.
Floyd.	Woods.
Harp.	

Absent.

Hall. Suiter.

Absent—Excused.

Parr.

Prayer by the Chaplain.

Pending the reading of the Journal  
of yesterday, the same was dispensed  
with on motion of Senator McNealus.

See Appendix for committee re-  
ports and petitions.

### Bills and Resolutions.

By Senator Dudley:

S. B. No. 325, A bill to be entitled  
"An Act for the relief of railway cor-  
porations having charters granted or  
amended since the first day of Janu-  
ary, 1892, and which have failed or  
are about to fail, to construct their  
roads and branches, or any part there-  
of, within the time required by law,  
and declaring an emergency."

Read first time and referred to  
Committee on State Affairs.

By Senator Davidson:

S. B. No. 326, A bill to be entitled  
"An Act to amend Section 6a, part 2,  
Chapter 103, Laws of 1917, same  
being known as the Workmen's Com-  
pensation Law so as to provide that  
the subscriber shall have first lien  
upon any cause of action by an in-  
jured employe or his beneficiary  
against a third person who may be  
liable to such employe and that such  
beneficiary may have the right to  
employ counsel to take charge of his  
interest in such litigation."

Read first time and referred to  
Committee on Labor.

By Senator Hertzberg:

S. B. No. 327, A bill to be entitled  
"An Act empowering and authorizing  
the county commissioners' court of  
Bexar County to establish, maintain  
and operate a law library; authoriz-  
ing the county commissioners' court  
to appropriate the sum of twenty  
thousand dollars (\$20,000.00) or so  
much thereof as they deem necessary  
to properly maintain and establish  
said library, such law library being  
established primarily for the benefit  
of the judges of the 37th, 45th, 57th,  
and 73rd Judicial Districts, the coun-  
ty judge of Bexar County, the county  
judge of Bexar County for Civil cases,  
the county judge of Bexar County for  
Criminal cases; providing it shall be  
established in the county seat of  
Bexar County; providing all practi-  
tioners of the bar may use said li-  
brary under conditions set out; pro-  
viding county court shall select a law  
library board being composed of  
county judge as chairman, one district  
judge and one reputable attorney;  
prescribing powers of said board in-  
cluding their powers of recommenda-  
tion, said board to receive no com-

pensation; providing for the appointment of a law librarian and assistants and bonds for faithful performance shall be required for one year unless sooner terminated; providing that any reputable practicing attorney of Bexar County may use the said library; authorizing said commissioners' court to receive gifts, title passing to county; setting out conditions of said gifts; providing county treasurer shall handle all funds as provided for other officials; providing that if any section shall be found unconstitutional it shall in no wise affect the remaining section; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

Morning call concluded.

#### Senate Bill No. 122.

The Chair laid before the Senate, on third reading,

S. B. No. 122, A bill to be entitled "An Act establishing a State Athletic Commission and regulating the art of boxing and sparring exhibitions, or performances, in the State of Texas."

Senator McNealus moved to postpone further consideration of the bill indefinitely.

Senator Baugh moved to table the motion to postpone.

Pending discussion, action recurred on the motion to table the motion to postpone, which motion to table was adopted by the following vote:

#### Yeas—14.

Baugh.	Hertzberg.
Bledsoe.	McMillin.
Carlock.	Richards.
Clark.	Rogers.
Davidson.	Williams.
Dorough.	Witt.
Dudley.	Wood.

#### Nays—9.

Buchanan.	Lewis.
Cousins.	McNealus.
Darwin.	Murphy.
Fairchild.	Watts.
Floyd.	

Present—Not Voting.

Page.

Absent.

Bailey.	Suiter.
Hall.	Woods.
Harp.	

Absent—Excused.

Parr.

The bill, having been read third time, was passed finally, by the following vote:

#### Yeas—13.

Baugh.	McMillin.
Bledsoe.	Richards.
Carlock.	Rogers.
Clark.	Williams.
Dudley.	Witt.
Harp.	Wood.
Hertzberg.	

#### Nays—11.

Buchanan.	McNealus.
Cousins.	Murphy.
Darwin.	Page.
Fairchild.	Watts.
Floyd.	Woods.
Lewis.	

Present—Not Voting.

Dorough.

Absent.

Bailey.	Hall.
Davidson.	Suiter.

Absent—Excused.

Parr.

#### Message from the House.

Hall of the House of Representatives.  
Austin, Texas, Feb. 28, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 224, A bill to be entitled "An Act to amend Sections 1 and 15 of Chapter 81, of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by

the Second Called Session of the Thirty-sixth Legislature, approved July 25, 1919, extending the term of said commission to the last Saturday in June, 1921, and providing for the appointment of judges for said extended term; providing for the extension of the term of said commission from the last Saturday in June, 1923, for the appointment of judges for said extended term, and declaring an emergency."

The House defeated.

H. B. No. 187, A bill to be entitled "An Act to define, regulate and license real estate brokers and real estate salesmen; to create a State Real Estate Commission, and to provide a penalty for a violation of the provisions hereof."

Respectfully submitted,

N. K. BROWN.

Chief Clerk House of Representatives.

#### Bills Read and Referred.

The Chair, Lieutenant Governor Davidson, had referred, after their captions had been read, the following House Bill:

H. B. No. 224. Referred to Committee on Civil Jurisprudence.

#### Senate Bill No. 14.

Senator Dorrough called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 14, A bill to be entitled "An Act making it a felony for any ten or more persons to enter into an agreement by which it is sought to make less doubtful the result of any game of baseball or football, foot race or any other game or sport; prescribing penalties for violations hereof, and declaring an emergency."

Senator Dorrough moved to adopt the committee report, which recommended that a committee substitute in lieu of the original bill, which motion was adopted.

Senator Darwin moved that the further consideration of the bill be postponed until March 13.

Senator McNealus made the point of order that the Legislature had set March 12 for final adjournment,

hence the motion was out of order.

The Chair sustained the point of order.

Action recurred on the motion to adopt the committee report and the same was adopted by the following vote:

Yeas—17.

Baugh.	Lewis.
Buchanan.	McNealus.
Clark.	Murphy.
Cousins.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Fairchild.	Witt.
Harp.	Woods.
Hertzberg.	

Nays—8.

Bledsoe.	McMillin.
Carlock.	Page.
Darwin.	Williams.
Dudley.	Wood.

Absent.

Bailey.	Hall.
Floyd.	Suiter.

Absent—Excused.

Parr.

Senator Dorrough offered the following amendment, which was read and adopted:

Amend Senate Bill No. 14 by inserting the word "professional" before the words "baseball player," wherever they occur in the caption and the bill.

The bill, having been read second time, was passed to engrossment by the following vote:

Yeas—16.

Baugh.	Lewis.
Buchanan.	McNealus.
Clark.	Murphy.
Davidson.	Richards.
Dorough.	Rogers.
Fairchild.	Watts.
Harp.	Witt.
Hertzberg.	Woods.

Nays—8.

Bledsoe.	McMillin.
Carlock.	Page.
Darwin.	Williams.
Dudley.	Wood.

Absent.

Bailey.  
Cousins.  
Floyd.Hall.  
Suiter.

Absent—Excused.

Parr.

**Senate Bill No. 5.**

Senator Clark called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 5, A bill to be entitled "An Act to repeal Chapter Six (6), Title Sixty-five (65), of the Revised Civil Statutes of Texas, 1911, the said chapter and title providing for the election of a Commissioner of Agriculture, prescribing his qualifications, duties and location and term of his office; providing that all duties, functions and services and services required by said chapter and title to be performed and rendered by the Commissioner of Agriculture shall, from and after the taking effect of this Act, be rendered and performed so far as may be practicable and necessary by the Agricultural and Mechanical College of Texas, and that this Act take effect and be in force from and after January 1, 1922."

There being a favorable majority and a minority, adverse, committee report,

Senator Clark moved to adopt the favorable committee report, and,

Senator Darwin moved as a substitute, to adopt the minority, adverse, committee report.

The substitute motion was adopted by the following vote:

Yeas—21.

Baugh.  
Bledsoe.  
Carlock.  
Darwin.  
Davidson.  
Dorough.  
Dudley.  
Fairchild.  
Floyd.  
Harp.  
Hertzberg.Lewis.  
McMillin.  
Murphy.  
Page.  
Richards.  
Rogers.  
Watts.  
Williams.  
Witt.  
Wood.

Nays—3.

Bailey.  
Clark.

McNealus.

Absent.

Buchanan.  
Cousins.  
Hall.Suiter.  
Woods.

Absent—Excused.

Parr.

**Senate Bill No. 57.**

The Chair laid before the Senate, on second reading,

S. B. No. 57, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and the Weights and Measures Department, and conferring all the authority, power, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture, abolishing the board, consisting of the Governor, Commissioner of Agriculture and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking, relative to Warehouses, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature, conferring power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws, First Called Session of the Thirty-fifth Legislature, and Chapter 116 of the General Laws, Regular Session, Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture; and declaring an emergency."

On motion of Senator McMillin, the bill was laid on the table, subject to call.

**Senate Bill No. 51.**

The Chair laid before the Senate, on second reading,

S. B. No. 51, A bill to be entitled "An Act to provide a systematic method of road maintenance; the creation of a patrol system for the care and upkeep of the public roads and highways of the State; providing for the office of County Road Superintendent, defining his duties and prescribing the duties and liabilities of all persons subject to road duty. Further providing that short term convicts of the State may be worked upon the public roads; prescribing and fixing penalties for the violation or neglect of the duties here imposed; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and Action recurred on the Committee report, with Committee Amendments. The Committee report was adopted.

Senator Davidson offered the following amendments, being acted on severally, all adopted:

(1) Amend S. B. No. 51 as follows: Strike out all of Section 2 and insert in place thereof the following:

Section 2. That the Commissioners' Court of the several counties of the State, shall within 90 days after the passage of this Act, at a Regular Session or a called meeting thereof appoint a County Road Superintendent of Maintenance, who shall have charge of all public highway construction and maintenance, together with the building of bridges and culverts in his county.

"Each County Superintendent shall, within 20 days after his appointment, take and subscribe to the oath required by the Constitution, and enter into bond, payable to the County Judge or his successor in office with good and sufficient surety, to be approved by the County Judge, in the sum of \$5,000.00, conditioned upon the said Superintendent faithfully and effectively discharging and performing all the duties required by law, or imposed upon him by the Commissioners' Court of his county, which bond shall be filed and recorded as other official bonds, and shall not be void from the first recovery but may be sued upon from

time to time until the whole amount is exhausted.

"Provided that whenever a county now employs a County Engineer that said County Engineer shall be the County Road Superintendent and draw only the salary provided for the engineer, so as to combine the two offices."

(2) Amend Section 9 by adding to the end thereof the following:

"Providing that the said county Road Superintendent may hire a keeper for a period of 90 days for any road district, who shall perform as nearly as may be the duty therein imposed, and at the expiration of the said 90 days the said County Superintendent shall again advertise for a road keeper as in the first instance.

"The said road keeper or any hired substitute upon entering upon the duties shall execute a written receipt to the County Road Superintendent for all tools, property and equipments of every kind that shall be delivered to him, and at the end of his term he shall deliver an inventory showing what is on hand for the use of his successor, and until said inventory or report is made, the last payment due the said keeper shall not be made by the County Commissioners' Court."

(3) Amend S. B. No. 51, Section 22, in the second line, by striking out the words, "forty-five" and inserting the word, "sixty."

(4) Amend S. B. No. 51, Section 41, by adding the following to end of said Section, page 13, line 17:

"And further, provisions of this Act shall not apply to counties containing any city of more than 75,000 inhabitants, according to the census of 1920, which county may be operating under a special road law."

Senator Rodgers offered the following amendment, which was read and adopted:

Amend Senate Bill No. 51, page 2, lines 8 and 9, "the salary of not less than \$1500 nor more than \$5000 per year" and insert in lieu thereof the following, "a salary."

Senator Woods offered the following amendment:

Amend amendment No. 1 as follows:

Strike out the words "shall" line 3 of Section 2 on page 637 of Journal, and insert the word "may."

The amendment was lost.

The Senate refused to engross the bill.

Senator Davidson moved to reconsider the vote, by which the Senate refused to engross the bill, which motion to reconsider was adopted by the following vote:

Yeas—19.

Bailey.	Lewis.
Buchanan.	Murphy.
Clark.	Page.
Cousins.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Harp.	Wood.
Hertzberg.	

Nays—5.

Baugh.	McNealus.
Darwin.	Woods.
McMillin.	

Present—Not Voting.

Bledsoe.	Carlock.
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Absent.

Dudley.	Suiter.
Hall.	

Absent—Excused.

Parr.

Action recurred on the engrossment of the bill, and the same was passed to engrossment, by the following vote:

Yeas—18.

Bailey.	Harp.
Bledsoe.	Hertzberg.
Buchanan.	Murphy.
Clark.	Page.
Cousins.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Fairchild.	Williams.
Floyd.	Witt.

Nays—7.

Baugh.	McNealus.
Darwin.	Wood.
Lewis.	Woods.
McMillin.	

Present—Not Voting.

Carlock.

Absent.

Dudley.	Suiter.
Hall.	

Absent—Excused.

Parr.

### Senate Bill No. 109.

The Chair laid before the Senate, on second reading,

S. B. No. 109, A bill to be entitled "An Act providing that freight charges on car loads of coal delivered at any point within the State of Texas, where railroad track weighing scales are owned, or used, or maintained at the point of delivery, or in the line of transit shall be based upon the actual weight of said coal, prescribing the manner of weighing such coal; providing a penalty for violation of any provision of this Act, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time, and Senator Witt offered the following amendment, which was read and adopted:

Amend Senate Bill No. 109, page 1, line 23, by adding after the word "consignee" the following words, "or to fail or refuse when demanded by the consignee to furnish to consigned the actual weight of such coal."

The bill was read second time and passed to engrossment.

### Senate Bill No. 313.

Senator Darwin called up by unanimous consent, and the Chair laid before the Senate, on second reading,

S. B. 313, A bill to be entitled "An Act to appropriate ten thousand dollars (\$10,000) to purchase the Aitken collection of four thousand volumes on English literature, owned by H. B. Wrenn of Chicago, on which the University of Texas has an option to buy for twenty thousand dollars (\$20,000), and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Darwin, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 313 put on its third reading and final passage by the following vote:

## Yeas—25.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Harp.	Woods.
Hertzberg.	

## Absent.

Buchanan.	Hall.
Carlock.	Suiter.

## Absent—Excused.

Parr.

The bill was read third time and passed finally, by the following vote:

## Yeas—23.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Davidson.	Richards.
Dorough.	Rogers.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Harp.	Wood.
Hertzberg.	

## Nays—1.

Woods.

## Absent.

Buchanan.	Hall.
Carlock.	Suiter.
Darwin.	

## Absent—Excused.

Parr.

## Senate Bill No. 141.

Senator Darwin called up, from the table, he being the author of the bill S. B. No. 141, and moved that the consideration of the bill be postponed indefinitely.

The motion was adopted.

## Message from the House.

Hall of the House of Representatives,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted H. C. R. No. 30, urging Congress to refund cotton tax imposed by Acts of Congress of 1864, 1866 and 1867.

The House has defeated H. B. No. 99, A bill to be entitled "An Act to amend Section 31, Chapter 157, of an act relating to the protection of wild game, birds, etc., passed at the Regular Session of the Thirty-sixth Legislature and known as House bill No. 457, by adding to said Section 31 the prohibiting of hunting deer with dogs."

Respectfully submitted,

N. K. BROWN,  
Chief Clerk House of Representatives.

## Senate Bill No. 110.

Senator Witt called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 110, A bill to be entitled "An Act forbidding transaction of business in Texas under an assumed name other than the real name or names of the individuals conducting such business, unless such individuals file in the office of the clerk of the county where such business is to be conducted a certificate containing the names and addresses of such; providing for the keeping of special record of such certificates by the county clerks of the State; providing for a filing fee to be paid the county clerk for filing such certificate, making it a misdemeanor not to comply with the provisions of the Act, and fixing a penalty for such failure."

The bill was read second time, and,

Senator Witt offered the following amendment, which was read and adopted:

Amendment No. 1 to Senate Bill No. 110:

Amend Senate Bill No. 110, page 2, by adding after Section 2 the following section and renumbering the remaining sections:

"Section 3. Whenever there is a

change in ownership of any business operated under any such assumed name as set out in Section 1, hereof, the person or persons withdrawing from said business or disposing of their interest therein, shall file in the office of the clerk of the county or counties in which such business is being conducted and has a place or places of business, a certificate setting forth the facts of such, withdrawal from or disposition of interest in such business; and, until he has filed such certificate, he shall remain liable for all debts incurred in the operation of such business. Which certificate shall be executed and duly acknowledged by the person or persons so withdrawing from or selling their interest in said business in the manner now provided for acknowledgement of conveyance of real estate."

WITT.

(Senator Darwin in the Chair.)

Senator Wood offered the following amendment, which was read and adopted:

Amend Senate Bill No. 110, page 2, line 22, by striking out all of line 22, after the word "dollars," and by striking out all of line 23 and all of line 24, down to and including the word "Court," in line 24.

The bill was read second time and passed to engrossment.

On motion of Senator Witt, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 110 put on its third reading and final passage by the following vote:

Yeas—22.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.

Nays—1.

Woods.

Absent.

Buchanan.	McMillin.
Dorough.	Rogers.
Hall.	Suiter.

Absent—Excused.

Parr.

The bill was read third time and passed finally.

### Senate Bill No. 112.

Senator McNealus called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 112, A bill to be entitled "An Act to amend Article 1121 of the Revised Civil Statutes of the State of Texas (prescribing the purposes for which private corporation may be organized) by adding thereto Section 81, authorizing the organization of holding companies for the purpose of dealing in the capital stock, bonds, mortgages, debentures, notes, and other securities and evidences of indebtedness of other corporations."

The bill having been read second time Senator McNealus offered the following amendment:

Amend Senate Bill No. 112 by adding to end of line 22, page 1, Section 1, the following:

"Provided, however, no company organized under the provision of this Act shall be authorized to subscribe for, purchase, invest in, hold, own, assign, pledge, or otherwise deal in or dispose of the shares of capital stock, bonds, mortgages, debentures, notes or other securities, obligation, contracts or evidences of indebtedness of any two or more corporations engaged in the same line of business that are in competition with each other. Provided, further, that the powers and authority conferred under the provisions of this Act shall in no way affect the provisions of the anti-trust laws of the State."

The amendment was adopted by unanimous consent.

The bill was passed to engrossment, by the following vote:



## Yeas—16.

Bailey.	Fairchild.
Baugh.	Floyd.
Carlock.	Harp.
Clark.	Lewis.
Darwin.	McNealus.
Davidson.	Murphy.
Dorough.	Page.
Dudley.	Watts.

## Nays—7.

Bledsoe.	Williams.
Hertzberg.	Wood.
Richards.	Woods.
Rogers.	

## Present—Not Voting.

Buchanan.

## Absent.

Cousins.	Suiter.
Hall.	Witt.
McMillin.	

## Absent—Excused.

Parr.

On motion of Senator McNealus, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 112 put on its third reading and final passage by the following vote:

## Yeas—22.

Bailey.	Harp.
Baugh.	Hertzberg.
Bledsoe.	Lewis.
Buchanan.	McNealus.
Carlock.	Murphy.
Darwin.	Page.
Davidson.	Richards.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Floyd.	Wood.

## Nays—1.

Woods.

## Absent.

Clark.	McMillin.
Cousins.	Rogers.
Hall.	Suiter.

## Absent—Excused.

Parr.

(Lieutenant Governor Davidson in the Chair.)

At this time the Chair's attention was called to the fact that this bill had passed to engrossment on Feb. 7.

Senator McNealus, author of the bill, made the point of order that the bill had not been engrossed and that the endorsement and record was in error.

The Chair examined the record and declared the action of the engrossment of the bill on this day, as well as the vote to suspend the constitutional rule, was out of order, and laid the bill before the Senate on third reading.

Action then recurred on the amendment by Senator McNealus and it was unanimously adopted.

Action recurred on the final passage of the bill, and the bill failed of final passage, by the following vote:

## Yeas—9.

Bailey.	Murphy.
Baugh.	Page.
Clark.	Watts.
Fairchild.	Witt.
McNealus.	

## Nays—14.

Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Darwin.	Richards.
Dorough.	Rogers.
Dudley.	Williams.
Floyd.	Wood.
Harp.	Woods.

## Present—Not Voting.

Cousins. Davidson.

## Absent.

Carlock.	McMillin.
Hall.	Suiter.

## Absent—Excused.

Parr.

## Simple Resolution No. 62.

Whereas, On the 24th day of February the Grim Reaper, Death, called Hon. B. H. Woods, a former Mayor of Corsicana and a brother of our esteemed colleague, Senator J. H. Woods, therefore, be it

Resolved, By this Senate that we

deeply sympathize and herewith express our profound condolence to our fellow Senator in this hour of his bereavement.

FLOYD.

The resolution was read and unanimously adopted.

**House Concurrent Resolution No. 30.**

The chair laid before the Senate H. C. R. No. 30, a resolution memorializing Congress with reference to refund of cotton tax imposed by acts of Congress of 1864 and 1867.

The resolution was read and adopted.

**Recess.**

On motion of Senator Clark, the Senate, at 12:20 o'clock p. m., recessed until 3 o'clock today.

**After Recess.**

The Senate was called to order by Lieutenant Governor Davidson.

**Senate Bill No. 265.**

Senator Murphy called from the table, and the Chair laid before the Senate, on third reading,

S. B. No. 265, A bill to be entitled "An Act to amend Chapter 85 of the Acts of the Regular Session of the Thirty-third Legislature, entitled 'An Act to provide the mode by which horses, mules, jacks, jennets and cattle, may be prevented from running at large in subdivisions of Harris County,' and repealing all laws and parts of laws in conflict herewith and declaring an emergency."

The bill was read third time and passed finally, by the following vote:

Yeas—21.

Baugh.	Davidson.
Bledsoe.	Dorough.
Buchanan.	Dudley.
Carlock.	Fairchild.
Clark.	Hall.
Cousins.	Harp.
Darwin.	Hertzberg.

McNealus.	Rogers.
Murphy.	Watts.
Page.	Wood.
Richards.	

Absent.

Bailey.	Suiter.
Floyd.	Williams.
Lewis.	Witt.
McMillin.	Woods.

Absent—Excused.

Parr.

**Senate Bill No. 325.**

(By Unanimous Consent.)

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 325 put on its second reading, by the following vote:

Yeas—22.

Baugh.	Hall.
Bledsoe.	Harp.
Buchanan.	Hertzberg.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Witt.
Fairchild.	Wood.

Absent.

Bailey.	Suiter.
Floyd.	Williams.
Lewis.	Woods.
McMillin.	

Absent—Excused.

Parr.

On motion of Senator Dudley, the Senate rule, requiring committee reports to lie over for one day, was suspended.

The Chair laid before the Senate, on second reading,

S. B. No. 325, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches or any part there-

of, within the time required by law, and declaring an emergency.

The committee report, with committee amendments, was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 325 put on its third reading and final passage by the following vote:

**Yeas—22.**

Baugh.	Hall.
Bledsoe.	Harp.
Buchanan.	Hertzberg.
Carlock.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Witt.
Fairchild.	Wood.

**Absent.**

Bailey.	Suiter.
Floyd.	Williams.
Lewis.	Woods.
McMillin.	

**Absent—Excused.**

Parr.

The bill was read third time and passed finally, by the following vote:

**Yeas—21.**

Baugh.	Hall.
Bledsoe.	Harp.
Buchanan.	McNealus.
Carlock.	Murphy.
Clark.	Page.
Cousins.	Richards.
Darwin.	Rogers.
Davidson.	Watts.
Dorough.	Witt.
Dudley.	Wood.
Fairchild.	

**Absent.**

Bailey.	McMillin.
Floyd.	Suiter.
Hertzberg.	Williams.
Lewis.	Woods.

**Absent—Excused.**

Parr.

**Excused.**

On account of important business,

Senator Bailey was excused for the balance of today, on motion of Senator Davidson.

**Senate Bill No. 137.**

Senator Hall called up, from the table, and the Chair laid before the Senate, on third reading,

S. B. No. 137, A bill to be entitled "An Act to amend Chapter 140, Acts of the Thirty-sixth Legislature, granting to J. J. Kain, of the city of Galveston, Texas, his heirs and assigns, an extension of time in which the sum of not less than \$150,000.00 should be expended in the construction of a dry dock or marine railway on certain submerged flats or lands on the shore of Galveston Bay, and declaring an emergency."

The bill was read third time and passed finally.

**Senate Bill No. 196.**

Senator Davidson called from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 196, A bill to be entitled "An Act granting Willie Jackson permission to sue the State of Texas for any sum not exceeding three thousand (\$3,000.00) dollars because of being erroneously and improperly confined in the penitentiary for a term of years for which he was not sentenced, fixing the venue and declaring an emergency."

Senator Davidson offered the following amendment, which was read and adopted:

Amend Senate Bill No. 196, by striking out the words and figures "three thousand (\$3,000.00)," and insert in lieu thereof the words and figures "fifteen hundred (\$1,500.00)," by striking out the words "District Court of Harris County," and insert the words "District Court of Gregg County."

The bill was read second time and passed to engrossment.

On motion of Senator Davidson, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 196 put on its third reading and final passage by the following vote:

## Yeas—21.

Bailey.	Floyd.
Baugh.	Hall.
Bledsoe.	Harp.
Buchanan.	Murphy.
Carlock.	Page.
Clark.	Rogers.
Cousins.	Watts.
Darwin.	Witt.
Dorough.	Wood.
Dudley.	Woods.
Fairchild.	

## Nays—1.

McNealus.

## Present—Not Voting.

Davidson.

## Absent.

Hertzberg.	Richards.
Lewis.	Suiter.
McMillin.	Williams.

## Absent—Excused.

Parr.

The bill was read third time and passed finally.

## Senate Bill No. 40.

Senator Wood called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 40, A bill to be entitled "An Act relating to motor vehicles and the registration, sale and transfer thereof; to aid those seeking to prevent the registration and sale of stolen motor vehicle; providing a method for the disposal of stolen automobiles that have been seized by officers when such vehicles are not claimed and identified by their rightful owners; to provide for the issuance of a new series of license number plates not oftener than every four years; prescribing regulations relative to the use of number plates and license seals; prescribing penalties for violations of such rules; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Senator Wood offered a substitute for the original bill, the same appearing in full in the Appendix of Journal of February 21, and the bill

was considered from that printed amendment and not reprinted here.

The amendment (substitute) was adopted.

Senator Wood offered the following amendment:

Amend the amendment to Senate Bill No. 40, page 552 of the Senate Journal, line 25, by striking out the word "three," and insert in lieu thereof the following:

"Ten."

The amendment was read and adopted.

Senator Witt offered the following amendment which was read and adopted:

Amend Amendment to Senate Bill No. 40 by adding the following section after Section 9, and renumbering the following sections:

Section 10. (A) Every motor vehicle, while in operation on the public highways, during a period from a half hour after sunset to a half hour before sunrise, and at all times when fog or other atmospheric conditions render the operation of vehicles without lights dangerous to the traffic, shall carry, at the front, at least two lamps of not exceeding thirty-two candle power (except that motor cycles shall carry one lighted lamp) showing white lights, visible under normal atmospheric conditions at least 500 feet in the direction towards which said motor vehicle is facing, which lamps shall produce sufficient light to reveal objects one hundred and fifty feet ahead, and shall be adjusted and directed so that, on level ground, no beam or portion of main shaft or clear, condensed light shall be projected more than forty-two inches above the ground at a distance of 75 feet in front of the motor vehicle. Such adjustment and direction shall be permanently maintained. Electric motor vehicle headlights shall, in addition, be equipped with dimmers or lenses that will cause a perceptible diffusion and dimming of the rays, or beams, of light emitted or will control the direction of the direct rays, or beams so that no such beam, or ray, shall project to a height of more than forty-two inches above the ground at a distance of seventy-five feet measured on a level surface.

(B) Side Lights—How Arranged.

Electric side lamps or substitutes therefor may be used with bulbs not stronger than a ten candle power each, provided the condensed light therefrom is projected forward, and if possible downward below the level of the lamp; and provided all glass openings emitting light are etched or ground, as required of headlights in the preceding subdivision.

(C) Dirigible Spot Lights—How and When Used.

Dirigible searchlights and spotlights shall not be used on the public highways within cities or towns, except in emergencies or when headlights are inadequate, owing to rain or fog, and then only provided the shaft of condensed lights is directed well downward below the level of the lamp, and at no time into the eyes of other persons; but dirigible searchlights may be used at any time upon the public highways outside the limits of towns or cities, provided their light is directed as herebefore required.

(D) Red Lights on Rear.

At the time and under the conditions in this section hereinbefore specified, all motor vehicles, while on the public highways, whether in operation or otherwise, shall carry at the rear one lighted lamp, exhibiting one red light, plainly visible for a distance of five hundred feet toward the rear of said vehicle.

Senator Witt offered the following amendment, which was read and adopted:

Amend Section 10, as amended, by adding the following:

"Any person guilty of violating this section shall be fined in any sum not more than two hundred (\$200) dollars."

Senator Carlock offered the following amendment, which was read and adopted:

Amend the amendment to Senate Bill No. 40, by adding at the end of Section 5, the following clause:

"Provided that no license fee shall be charged for autos used exclusively in the service of branches of American Red Cross Societies."

Action recurred on the engrossment of the bill and it failed of engrossment by the following vote:

Yeas—13.

Carlock.	Murphy.
Clark.	Page.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Witt.
Harp.	Wood.
Hertzberg.	

Nays—14.

Bailey.	Hall.
Baugh.	Lewis.
Bledsoe.	McMillin.
Buchanan.	Richards.
Darwin.	Williams.
Fairchild.	Woods.
Floyd.	The Chair.

Absent.

Cousins.	Suiter.
McNealus.	

Absent—Excused.

Parr.

The vote being a tie, the Chair, Lieutenant Governor Davidson, voted "Nay," and declared the bill lost.

#### Senate Bill No. 74.

The Chair laid before the Senate, on second reading,

S. B. No. 74, A bill to be entitled "An Act creating a tribunal to be known as the Court of Industrial Relations, to be composed of the members of the Railroad Commission of Texas; prescribing the jurisdiction, powers, authority, functions and duties of said Court; declaring the operation of public utilities and common carriers to be affected with a public interest and subject to supervision by the State and providing for such supervision; providing what classes of business or of service shall be considered public utilities or common carriers within the meaning of the Act; providing penalties for its violation; making this Act cumulative of the Public Utilities Act and to be construed in harmony therewith; providing for the enforcement of the orders and decisions of the Court by injunction and otherwise, and making it the duty of the Attorney General to enforce same; ex-

pressing the legislative intent that any invalid or unconstitutional provision of the Act shall not invalidate any other provision thereof, and declaring an emergency."

On motion of Senator Page the bill was laid on the table subject to call.

#### Senate Bill No. 285.

Senator Baugh called up from the table, and the Chair laid before the Senate, on second reading,

S. B. No. 285, A bill to be entitled "An Act to amend an Act to reorganize the Twenty-seventh and the Thirty-fifth Judicial Districts of the State of Texas and to fix the time of holding court therein as passed by the Twenty-ninth Legislature, Chapter 37; and to amend an Act to reorganize the Thirty-fifth Judicial District; to name the counties composing the same; to fix the time of holding court therein, passed at the Second Called Session of the Thirty-first Legislature, being Chapter 3; and to amend an Act to reorganize the Twenty-seventh and Thirty-fifth Judicial Districts; to name the counties composing the twenty-seventh and Thirty-fifth Judicial Districts; to fix the time of holding court in the counties of said districts, being Chapter 61 as passed by the Regular Session of the Thirty-third Legislature; and to reorganize the Thirty-fifth Judicial District; to name the counties composing the Thirty-fifth Judicial District; to fix the time of holding court in the counties of said Thirty-fifth Judicial District; to provide for the extension and return of process issued out of said courts; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

#### Senate Bill No. 152.

The Chair laid before the Senate, on second reading,

S. B. No. 152, A bill to be entitled "An Act amending Article 657, revised Statutes, 1911, providing for

the issuance of county bonds to fund or refund bonds or warrants legally issued by a county, and declaring an emergency."

Senator Fairchild moved that the bill be laid on the table subject to call, which motion was adopted.

(Senator Murphy in the Chair.)

#### Senate Bill No. 181.

The Chair laid before the Senate, on second reading,

S. B. No. 181, A bill to be entitled "An Act providing for the creation of road districts including one or more existing road districts and other territory in addition thereto, and for the issuance of bonds by such districts; providing for including within such districts any part of a road district or districts that overlap a levee district, drainage district or any other district created under laws passed pursuant to Section 52, Article 3, of the Constitution, and for the payment of bonded debts incurred by such road districts so encroached upon; providing for the construction and maintenance of roads outside the limits of a road district; providing that any county or road district acting under the provisions of Section 52, of Article 3, of the Constitution, may create indebtedness for the purpose of maintaining roads upon a vote of two-thirds majority of the resident property taxpayers voting thereon who are qualified electors of such county or district; providing that any county operating under a special road law may avail itself of the provisions of this Act; and declaring an emergency."

Senator McMillin offered the following amendment:

Amend Senate Bill No. 181 by striking out Section 6.

Pending discussion, Senator Fairchild moved to table the amendment, which motion to table was adopted by the following vote:

Yeas—18.

Bailey.	Davidson.
Baugh.	Dorough.
Clark.	Fairchild.
Cousins.	Floyd.

Hall.	Page.
Harp.	Richards.
Lewis.	Watts.
McNealus.	Witt.
Murphy.	Woods.

Nays—6.

Bledsoe.	McMillin.
Dudley.	Williams.
Hertzberg.	Wood.

Absent.

Buchanan.	Rogers.
Carlock.	Suiter.
Darwin.	

Absent—Excused.

Parr.

The bill was read second time and passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 181 put on its third reading and final passage by the following vote:

Yeas—24.

Bailey.	Hertzberg.
Baugh.	Lewis.
Bledsoe.	McMillin.
Clark.	McNealus.
Cousins.	Murphy.
Davidson.	Page.
Dorough.	Richards.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Witt.
Hall.	Wood.
Harp.	Woods.

Absent.

Buchanan.	Rogers.
Carlock.	Suiter.
Darwin.	

Absent—Excused.

Parr.

The bill was read third time and passed finally by the following vote:

Yeas—18.

Bailey.	Fairchild.
Baugh.	Floyd.
Clark.	Hall.
Cousins.	Harp.
Davidson.	Lewis.
Dorough.	McNealus.
Dudley.	Murphy.

Page.	Watts.
Richards.	Woods.

Nays—5.

Bledsoe.	Williams.
Hertzberg.	Wood.
McMillin.	

Absent.

Buchanan.	Rogers.
Carlock.	Suiter.
Darwin.	Witt.

Absent—Excused.

Parr.

## Senate Bill No. 242.

The Chair laid before the Senate on second reading,

S. B. No. 242, A bill to be entitled "An Act to regulate granting restraining orders and injunctions to prevent orders of Railroad Commission becoming effective, providing for the giving of notice to defendants before temporary injunctions shall be granted and limiting the time the restraining orders may be effective; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williams, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 242 put on its third reading and final passage by the following vote:

Yeas—23.

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Clark.	Murphy.
Cousins.	Page.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Hall.	Wood.
Harp.	Woods.
Hertzberg.	

Nays—1.

Richards.

Absent.

Buchanan.	Floyd.
Carlock.	Suiter.
Darwin.	

Absent—Excused.

Parr.

(Lieutenant Governor Davidson in the Chair.)

The bill was read third time and passed finally.

#### Senate Bill No. 147.

The Chair laid before the Senate, on second reading,

S. B. No. 147, A bill to be entitled "An Act providing that when the person or property of anyone is injured or damaged through the negligence of another upon any public highway and by means of an automobile, truck or other motor driven vehicle owned by another and whether such automobile, truck, or other motor vehicle is being operated at the time by the owner thereof or any other person, other than the person who, or whose property is injured or damaged, suit may be brought by the party in interest for the injury so sustained or the damages so done, and if a judgment therefor is obtained it shall be a first lien upon such automobile, truck or other motor vehicle, any contract lien thereon to the contrary notwithstanding. Upon the filing of such suit such automobile, truck or other motor driven vehicle may be attached by the plaintiff the same as if the damages in said suit were liquidated damages, and thereafter said automobile, truck, or other motor driven vehicle shall be dealt with in such suit as in other suits involving attachments for liquidated damages under existing laws; and declaring an emergency."

Pending discussion, Senator Wood offered the following amendment:

Amend Senate Bill No. 147, page 2, line 2, by striking out the word "first," and amend the bill, page 2, line 3, by striking out all of line 3 after the word "vehicle."

Senator Carlock offered the following amendment to the amendment:

Amend Senate Bill No. 147, by adding at the end of Section 1, the following:

"Provided that nothing in this Act shall affect prior liens on said automobile, truck or motor vehicle."

The amendment to the amendment

was adopted.

The amendment, as amended, was adopted.

Senator Carlock offered the following amendment, which was adopted:

Amend Senate Bill No. 147, Section 1, line 30, page 1, of the printed bill, by striking out after the word "thereof," the following:

"Or any other person than the person who or whose property is injured or damaged," and substitute the following: "or by his agent or employee."

The bill was passed to engrossment.

#### Senate Bill No. 227.

The Chair laid before the Senate, on second reading, Senate Bill No. 227.

On account of the absence of the author of the bill, the bill was laid on the table subject to call.

#### Senate Bill No. 175.

The Chair laid before the Senate, on second reading, Senate Bill No. 175.

On account of the absence of the author of the bill, on motion of Senator Dorrough, the bill was laid on the table subject to call.

#### Senate Bill No. 148.

The Chair laid before the Senate, on second reading,

S. B. No. 148, A bill to be entitled "An Act to direct and authorize the county commissioners' court of all counties in the State of Texas to construct, at all points where county roads or State highways cross at grade a steam railroad or interurban line, a safety crossing device of any character which makes or tends to make automobiles or other vehicles reduce the speed when crossing said railroads, or interurban lines, and to provide a penalty for drivers of automobiles, or other vehicles, or other persons, for failing to use said device when constructed, and for destroying or mutilating said device, and declaring an emergency."



Senator Wood offered the following amendment:

Amend Senate Bill No. 148, page 1, line 30, by striking out all of line 30 after the figure \$200 and by striking out all of lines 31 and 32 of page 1.

On motion of Senator Hertzberg, the amendment was tabled.

Senator Carlock offered the following amendment:

Amend Senate Bill No. 148, Section 2, by inserting the word "willfully" after the words "any person" in line 26.

The amendment was read and adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 148 put on its third reading and final passage by the following vote:

**Yeas—24.**

Bailey.	Lewis.
Baugh.	McMillin.
Bledsoe.	McNealus.
Buchanan.	Murphy.
Clark.	Page.
Cousins.	Richards.
Davidson.	Rogers.
Dorough.	Watts.
Dudley.	Williams.
Fairchild.	Witt.
Harp.	Wood.
Hertzberg.	Woods.

**Absent.**

Carlock.	Hall.
Darwin.	Parr.
Floyd.	Suiter.

The bill was read third time and passed finally.

**Message from the House.**

Hall of the House of Representatives,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 18, A bill to be entitled "An Act abolishing the Markets and Warehouse Department and the Weights and Measures Department and conferring all the authority,

powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commissioner of Agriculture and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking, relative to warehouses upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Legislature; conferring power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature, Chapter 41, General Laws First Called Session of the Thirty-fifth Legislature, and Chapter 116 of the General Laws, Regular Session of the Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture, and declaring an emergency."

Respectfully submitted,

N. K. BROWN,  
Chief Clerk House of Representatives.

**Bills Read and Referred.**

The Chair (Lieutenant-Governor Davidson) had referred, after their captions had been read, the following House bills:

H. B. No. 18, referred to Committee on Agricultural Affairs.

**Simple Resolution No. 63.**

Senator Rogers here made a verbal report, as a member of a committee to arrange for a block picture of the members of the Senate, stating that the Committee had been unable to secure the making of such picture free of charge, and pending

discussion, offered the following resolution:

"Be it resolved by the Senate that the Sergeant-at-Arms be directed to pay for the frame, stretcher and glass, for the Senate block picture, out of the contingent expense fund of the Senate, the cost not to exceed \$100.00."

The resolution was read and adopted.

#### Adjournment.

On motion of Senator Clark, the Senate, at 6:45 o'clock p. m. adjourned until 9 o'clock tomorrow morning.

#### Bills Signed.

The Chair (Lieutenant-Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 227, A bill to be entitled "An Act to provide for the organization of purely co-operative marketing associations, defining their rights, duties and policies, prescribing who may organize such marketing associations, and providing for investigation prior to such organization; prescribing the powers that may be exercised by such marketing associations under this Act; prescribing who may become members of such marketing associations; prescribing what shall be contained in the articles of incorporation; providing for amendments to the articles of incorporation; providing for by-laws and the powers under such by-laws; providing for the meetings of members of any association organized under this Act, and prescribing the way and manner in which officers and directors of such corporations may be elected; prescribing for membership certificates and their issuance, and also the liability of members under the articles of incorporation, and limiting the transferring of membership certificates; providing for the removal of officers and directors of any co-operative marketing association organized under this Act; providing for a referen-

dum to the stock-holders and entire membership of any organization on any question that may be referred to such stock-holders or members; providing for marketing contracts of co-operative marketing associations; providing powers, giving the right of purchasing business of other associations, persons, firms and corporations in dealing with an organization incorporated under the terms and provisions of this Act; providing for annual reports; limiting the use of the term 'co-operative' as applied to this Act; providing for interest in other corporations or associations, and providing contracts and agreements with other associations; providing that any association heretofore organized under the present existing statutes may by majority vote come under the provisions of this Act; providing for penalties for the breach of a marketing contract of a co-operative marketing association, and for making false reports about the association and the management thereof; providing that associations organized under this Act shall not be construed as in restraint of trade; providing for annual license fees and filing fees under this Act, and providing that if any section of this Act is declared unconstitutional, the remainder of the Act shall remain in full force and effect, and declaring an emergency."

H. B. No. 118, A bill to be entitled "An Act to put into effect the amendment to Section 3 of Article 7 of the Constitution of the State of Texas, in accordance with the will of the people as expressed by vote in the General Election held on November 2nd, 1920."

H. C. R. No. 28, approving designation by Highway Commission of the Jefferson Davis Highway.

H. C. R. No. 29, commending Admiral A. O. Wright, etc.

H. B. No. 342, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the several institutions and departments of the State Government for the fiscal year ending August 31, 1921, and declaring an emergency."

H. C. R. No. 26, providing for sine die adjournment of the Legislature for March 12, 1921, at 12 o'clock noon.

## APPENDIX A.

## Special Committee Report.

The following report was ordered printed in the Journal; the same being a report of the Special Committee to investigate the condition of the Texas State Railroad:

To Hon. Lynch Davidson, President, and Members of the Senate:

Gentlemen: The undersigned Committee being authorized and instructed to make an investigation and report on the condition of the Texas State Railroad by Senate Simple Resolution No. 54, went to Palestine, Texas, in company with Senator Fairchild, on the 24th of February, 1921, and having spent the 24th and 25th making the necessary inspection and investigation, submit the following report for your consideration:

## Present Condition of the Property.

Through the courtesy of Mr. W. B. Drake, Superintendent of the I. & G. N. Railroad, we were furnished a motor inspection car and were accompanied by Mr. John Resch, general foreman of bridges and buildings, and Mr. Wm. Ragsdale, water service foreman of the I. & G. N. Railroad.

## Roadbed.

The roadbed of the Texas State Railroad is in good condition. With very few exceptions the embankments have sufficiently wide shoulders. In no place are they so narrow as to be classed as unsafe. However, in cleaning the cuts the waste material should be used in widening one or two of the fills. The native soil of the country traversed by the road is exceptionally favorable to railroad maintenance.

The cuts are in fairly good condition, but the drainage in a few of them is impaired by dirt which has been washed down into the ditches.

## Track.

The track is in fairly good condition with the exception of the ties, of which there are a great many that should be replaced immediately.

The rail is generally in exception-

ally good condition. There are four or five places where derailments have occurred and the rails bent, but there is plenty of good rail on the side tracks, which can be used to replace the damaged rail now in the main line. The rail from Palestine to a point near Mile Post 6 is in better condition than that from Rusk to Mile Post 6, but all of it is good for a great many years of service under light traffic.

The angle bars, or joints, are well bolted and in good condition.

The frogs and switches are in good condition, but the switch ties are decayed and should be renewed.

## Bridges and Cattle Guards.

A careful inspection of each bridge and cattle guard was made. They were found in very good condition, with one or two exceptions. All of them are well driven with first-class creosote treated piling. The other bridge material is untreated, but as a rule is in a good state of preservation.

There are numerous cast iron drain pipes which are as good as when installed.

The brush and old timber has been left under the bridges and should be removed to eliminate the fire hazard.

## Station Buildings.

The depot building at Palestine is of adequate size and in good condition.

The depot building at Maydelle Crystal Lake does not appear to have been used extensively and presents a neglected appearance.

The depot buildings at Maydelle is in serviceable condition.

The station building at Rusk, owned and maintained by the T. & N. O. Railroad, is in first-class condition.

## Rolling Stock.

A detailed inspection of the rolling stock was not made, but from observation we noted the following:

The locomotive now in service appears to be in first-class condition. We were told by the manager that it was recently overhauled by the Grant Locomotive Works at Houston at a cost of \$4000.

The passenger coach in service is being rented from the Southern Pa-

cific lines and is in good condition. The passenger cars belonging to the Texas State Railroad are stored at Palestine. They are now in a dilapidated condition, but it is our opinion that two of the four could be made serviceable.

Some of the freight cars are in a reasonably fair state of repair and suitable for operation on the owning line, but extensive repairs would be necessary before other railroads would accept them on interchange.

#### General Conditions.

It is our opinion that the road from Palestine to a point where a connection was made with the original line running out of Rusk, was located by a competent engineer along sound engineering lines. A fairly good grade line and curvature was established.

We consider the territory through which the road runs to be above the average in fertility. Our best judgment is that forty to fifty per cent of the land adjoining the right of way is in cultivation. Extensive tomato farms, as well as corn, cotton, truck farms and orchards adjoin the road. The land that is not in cultivation is well timbered and supplies the raw material for the operation of several saw-mills, three of which have recently been built.

At a point ten miles from Palestine and near the road an oil well has been drilled and some oil has been produced and other prospect wells are now being drilled.

There are several thriving communities along the line, including the town of Maydelle, which is situated about twenty-three miles from Palestine. This town has a number of well-built homes, brick school houses, brick bank and stores and twelve substantial business houses. The population is about one thousand, three hundred thirty-three of which are scholastics. We are told by representative citizens of the town that farming land now selling for \$75 per acre was valued at approximately \$5 per acre before the railroad was constructed. The assessed value of the independent school district at this place is reported to be \$500,000.

#### Traffic.

Investigation developed that practically the only traffic the Texas

State Railroad is handling is that which is local to the line. Very little freight is moving from Rusk to Palestine or Palestine to Rusk over the Texas State Railroad. Upon questioning shippers at these two points as to why they do not give the road more tonnage, the explanation was made that the State Railroad was not in condition to furnish safe and reliable transportation and that the shipper is practically required to ship at his own risk, due to the fact it is almost impossible to collect claims for loss or damage, regardless of the merit of the claim. Several shippers said they preferred to pocket losses rather than to file claims and go through the "red tape" of securing permission of the State to bring suit for loss or damage sustained. For these reasons some of the shippers have given specific instructions to consignors not to route their freight via the Texas State Railroad.

We are informed that competitive freight is not delivered to the State Railroad by its trunk line connections unless prepaid on account of the inability of the trunk lines to collect from the State road their proportion of the interline revenue.

A freight solicitor was employed at a salary of \$200 per month, but we are advised that this salary has recently been reduced to \$100 per month. In talking with the shippers we were unable to locate any evidence of activities on the part of this official.

The manager stated he had declined to handle certain business over the line, particularly one shipment of five cars of cotton seed oil which was offered and could have been routed over the Texas State Railroad. He explained he did not care to handle this class of business for fear of derailing the cars and sustaining a loss greater than the revenue to be earned.

Owing to the irregularity of the service and the train not being operated on any definite schedule, further that it does not make connections with trunk line trains at either terminus, the passenger traffic is restricted to local business.

#### Management and Personnel.

Mr. George Pessonne, the present manager, admitted that he knew nothing whatever of the workings

or management of a railroad. He stated he took the position for the purpose of determining whether he cared to purchase the property. He further said that his lack of knowledge of railroad management had convinced him he could not operate the property successfully.

In addition to the manager, who receives \$250 per month, there are employed on the road an auditor at \$200, general agent at \$150, freight solicitor at \$100, stenographer at \$45, agent at Maydelle at \$90, section foreman at \$110, six laborers at \$2.50 per day of eight hours, engineer, fireman, conductor and two brakemen are employed at practically the same rate as paid on a standard railroad.

#### Present Needs of the Road.

The first and most urgent need of the road is the insertion of about 1500 good ties per mile of track. There are at present about ten thousand untreated sap pine ties on the right of way, about five thousand of which are distributed along the track. The balance are piled in stacks. The ties now distributed should be inserted as an emergency measure, but those in stacks should either be creosoted or sold. We recommend that no more untreated soft wood ties be used.

The rail that has been damaged by reason of derailments should be removed at once and replaced with rail taken from the ends of the spur tracks.

Sufficient labor should be employed to insert ties, clean cuts and change the damaged rail. The present track maintenance force consists of one negro foreman and six men, which is not sufficient to maintain the thirty-two miles of track in safe condition. This force should be increased as rapidly as material can be assembled to keep them employed.

#### Bridges.

Material has been assembled for renewing the deck of bridge No. 1. This material is now piled up at each end of the bridge, which is approximately 900 feet long. The stringers in 40 panels of this bridge are in bad condition and must be renewed immediately to insure safety. Seventeen panels of the

bridge have had the stringers renewed and are in good condition, with the exception of the application of new bridge ties.

The serviceable second-hand material removed from Bridge No. 1 can be utilized in renewing the decayed stringers and decks of other bridges needing attention.

Creosoted piles have been driven at each cattle guard for the construction of pit cattle guards. The frames of the cattle guards are dilapidated and should be repaired.

It is the opinion of Mr. Resch, which is concurred in by your Committee, that an expenditure of \$5000 would put all bridges and cattle guards in first-class condition.

#### Rolling Stock.

In order to insure uninterrupted service to the patrons of the road, the other locomotive, which we understand belongs to the Texas State Railroad and now in the service of the Prison Commission elsewhere, should be returned to the railroad in serviceable condition. This is recommended in view of the fact that heretofore when the locomotive now in service was sent to the shop for repairs the shippers along the line were inconvenienced by the discontinuance of the service. By failure to have sufficient power to fulfill the schedules the operating officer of the road was unable to comply with the State laws in this respect.

We were informed by the manager of the road that they are now paying to the Southern Pacific lines \$8 per day rental for the use of the combination passenger coach and baggage car, which could be avoided if the passenger equipment owned by the Texas State Railroad was put in serviceable condition.

In order to eliminate the high cost of freight car hire, Texas State Railroad owned cars should be put in good condition to handle the local business of the line.

#### Traffic.

In order to increase the traffic the present mixed train which is being operated only four days each week on a very uncertain schedule should be increased to six-day-per-week basis and operated on a reliable schedule, making convenient connec-

tions with the trains of the trunk lines.

Arrangements should be made whereby shippers can collect claims on the Texas State Railroad promptly, the same as on any other railroad in the State.

Adjustment of inter-line freight balances should be made with other railroads promptly in order to restore confidence and credit of the Texas State Railroad and eliminate the necessity of billing inter-line shipments fully prepaid.

Assurance should be given the people along the line that the road would be continued in operation, in order to restore their confidence, through which means additional acreage would be put in cultivation and industries encouraged.

#### Management and Personnel.

The road should be placed under the control of a competent management, with authority to handle the business of the road; to be responsible to the Governor and Legislature for the proper expenditure of money appropriated by the Legislature for the repairs and maintenance of the road.

The present manager advises that none of the \$50,000 appropriated for the Texas State Railroad by a recent Legislative act has ever been spent for the purpose intended. This same Legislative act provided that a force of convict labor would be furnished by the Prison Commission for work on the State Railroad. The manager advised us that the labor furnished was of such inferior quality that no benefit was derived from their presence on the railroad.

When shown by the manager where the above mentioned convict labor was employed, we found very little evidence of an improvement in the track conditions. Examination of some of the ties removed from the track by the convict labor disclosed the fact that many ties were removed which were good for at least another year or eighteen months' service. Upon making inquiry as to the reason for this condition, we were informed that the convicts had been sent to the Texas State Railroad without a supervisor qualified to direct their work in making railroad track repairs.

#### Recommendations.

There is no question in the mind of your Committee but that the operation of the Texas State Railroad should be continued.

This policy is the only just one to pursue in order that the moral obligation the State of Texas assumed when it went into the railroad business might be fulfilled. Pinning their faith to the belief that the State of Texas would either operate the railroad with profit, or pocket the loss the same as the State requires other railroads to do, many people have settled along the line and have given the best part of their lives and their entire fortune to the building up of prosperous farming communities and lumber manufactories where prior to the construction of the Texas State Railroad there existed only uncultivated land and uncut timber. The State might relieve itself from the legal obligation to provide these people with transportation, but it certainly is under obligation to see they do not lose their all, which will be the case should the road cease operation.

In addition to this, the abandonment by the State of its railroad, extending between two prosperous county seat towns and through a very fertile section would have the effect of discouraging private enterprises which might contemplate similar enterprises.

The following methods of procedure are submitted:

1. Sale of the road, the purchaser to assume obligation to continue operation.

2. An arrangement with one of the connecting trunk lines to operate the road for the State; the State to guarantee operating costs and to receive any profits made.

3. Lease the road to one of the connecting trunk lines for operation; this line to assume losses sustained or retain profits made.

1. We are of the opinion that the outright sale of the road with the purchaser assuming obligation to continue operation would be a very difficult matter at this time, especially under the present financial conditions of the country.

2. The Committee is informed that an offer was made to former Governor Hobby by the management

of one of the connecting trunk lines to operate the road at actual cost of operation and maintenance; the trunk line to give the free use of its terminals and to make no charge for supervision. Under this plan the State was to pay the losses sustained or receive any surplus earned. We consider this arrangement would be preferable to the one now in effect and believe that superior service at less cost to the State could be secured by this plan. We are informed by the management of this trunk line they are now willing to entertain a proposition of this kind.

3. We have conferred with the management of another of the trunk lines and have been assured by them they are willing to assist the State in every way possible and will be glad to investigate the Texas State Railroad and its possibilities and negotiate further with a view of leasing the road for a period of years and operate it, assuming the losses or taking the profits. We are of the opinion that this plan is the most feasible and promises better results than either of the other two submitted. In order to carry it into effect it will be necessary for the State to place the physical properties in good condition, after which no further appropriation will be necessary so long as the lease is continued in effect. If after a proper trial the trunk line is able to operate the line profitably, its value to the State will have increased and the road could be sold or leased for a further period on a better basis of compensation than can now be secured.

We believe that operated in connection with one of the trunk lines, the Texas State Railroad can be made self-sustaining.

In order to carry out any one of the recommendations we have made with reference to the future operation of the road, it is our opinion that a responsible officer of the State should be authorized to enter negotiations with the interested trunk lines and arrange for a formal contract under the best possible terms. In the meantime, steps should be taken toward placing the Texas State Railroad in condition to assure safe operation.

J. A. GLEN, W. G. CHOATE.  
E. C. DURHAM, Committee.

Austin, Texas, Feb. 28, 1921.

To Hon. Lynch Davidson, President, and Members of the Senate.

Gentlemen: Your committee appointed to inspect the Texas State Railroad respectfully submit herewith supplemental report, dealing particularly with estimate of amount of money necessary to rehabilitate the road-bed and equipment, to put it in condition to make it attractive to sell or lease to one of the trunk lines connecting with said road:

50,000 oak ties.....	\$ 85,000
Bridges (labor cost, as there is plenty of material on the ground to make necessary repairs).....	5,000
Locomotive repairs.....	4,000
Equipment, including repairs to passenger motor car to make the same serviceable.....	20,000
To settle indebtedness with the Southern Pacific, for joint operations at Rusk, interline settlements, equipment rentals, etc....	16,000
Estimated expenditures to cover payment of freight claims, and other indebtedness of the railroad which cannot be determined at this time, (it is very probable that the entire amount of this item will not be utilized, but in order that appropriation may be sufficient to fully cover all outstanding indebtedness, restore the road's credit and the confidence of its patrons, we believe that this allowance should be embraced in the general appropriation).....	20,000
Total.....	\$150,000

On account of the limited time in which the committee had to inspect the property and make report, an accurate detailed estimate could not be made; but the appropriation above named will, in our opinion, be adequate to rehabilitate the roadway and equipment, provided the various items of expenditures are made interchangeable, and the entire appropriation is available to carry out the

recommendation of the committee.

In order that you may understand the sentiment of the people served by this railroad, we beg to call your attention to the attached clipping from the Rusk Cherokeean, of Friday, February 25 1921.

J. A. GLEN,  
E. C. DURHAM,  
W. G. CHOATE,  
Committee.

#### Maydelle Citizens Protest.

The citizens of Maydelle have sent the following letter of protest to Governor Pat Neff. Much of the information it contains may be news to the Governor and may cause some needed action:

Maydelle, Texas, Feb. 18, 1921.  
Hon Pat Neff, Austin, Texas.

Dear Governor: We, the citizens who reside in Maydelle, and along the Texas State Railroad, view with grave concern your statement which appeared in Sunday's press, saying that the State road must be either leased or disposed of for "junk," giving as your reasons that the road had always been a burden upon the State, and if operated, must of necessity require yearly appropriation. We quite agree with you that the road has never been a source of revenue to the State in a direct way, but we ask with all candor, that you take time to consider with seriousness why the road has never paid. We feel that as we have established homes, laid out villages, schools and churches, developed country, with the understanding that the road was a permanent establishment, have a just right to ask that a thorough and impartial investigation be made of the management for the last five years before it is killed and disposed for "junk." Permit us to call your attention to a few facts, of which perhaps, you are not aware.

Under a recent management records show that more than \$8000 of the road's funds were unlawfully misappropriated, and the State merely took personal notes from the guilty parties for the amounts, and never offered to prosecute them.

Under a present management a salary of \$200 per month is being paid a man as soliciting agent,

when it is a well known fact that no business has ever been solicited, but rather business has been driven away, and discouraged by the management continuously reporting that the road would soon cease operation.

Under the present management large numbers of cross ties have been made and paid for out of funds which were appropriated for operating the road, and the ties have been shipped away, and not used on the road. There are now many thousands of new ties stacked along the right of way, that will either be shipped away or allowed to rot down.

Under the present management not a single treated tie has been put down, but green sap pine used only, when the merest novice in railroad-ing knows that an untreated pine tie will not last longer than twelve months, while a treated tie will last indefinitely.

Under the present management a large number of convicts were brought here to work on the track, the work being provided for by the same Legislature that made the last appropriation. The labor of these convicts was to be free, when it is a well known fact that only a hospital was set up here, the men were all suffering from severe cases of malaria, and were not capable of work. And yet we are informed that all the expenses of these convicts, together with the supplies, tents, utensils, medicine, etc., was charged to the fund appropriated for the operation of the road, just when the convicts were able to work they were called away, taking with them all the supplies purchased with the road's money. All they added to the road was a huge burden.

It is reported that the road bed is in bad condition, which is not true, as the road has a splendid bed, unsurpassed by few Texas roads. The road has a splendid engine, as is attested by the engineer, a very capable man, indeed. The road has another engine also, which the Prison Commission has seen fit to take away. Most of the rolling stock is in bad condition, due to the fact that the present management discharged an able and efficient employee who kept the rolling stock in running condition at the huge sum of \$4.00 per day, while at the same time this



management employed his friend and business associate as soliciting agent at the price of \$200 per month.

The State of Texas will not permit other roads to "junk" non-paying lines. Then why should the State "junk" this line? It seems that the great State of Texas might well afford to practice the Golden Rule.

We cannot accept the statement that the road must be junked because it does not pay. We are reliably informed that practically all the big roads are losing money in as great proportion as the State road.

The fact that it aids only a small portion of the State should not be sufficient grounds for "junking." Has not the Legislature just appropriated a magnificent sum for the extermination of wolves and coyotes? Is not this a sectional matter? We do not say that such an appropriation is unwarranted, but we do believe in justice to all.

The little village of Maydelle was laid out and the lots sold by the State of Texas, and the purchasers of those lots had every reason to believe that the State sold them in good faith, and never meant to repudiate her own contracts. We believe that even the State ought to observe her obligations made to her citizens in good faith.

The village of Maydelle alone has now in the cold frame sufficient tomato plants to grow \$100,000 worth of fruit. This has been done with the expectation that the road would continue operating, and a cessation would mean an almost complete loss of this crop. Saw mills, too, have their lumber along the track with the expectation that it would be hauled away.

Under the present management, about twelve months ago, a motor car was purchased for the road at a cost of \$4500.00, and ever since the purchase the car has stood idle, never having a wheel turned except on one or two occasions when the management rode up and down the line in it. Why it was purchased and never used no one seems to know.

Under the present management the passenger schedule is so timed that it makes connection with no other road, entirely eliminating a source of much income, provided the schedule was timed to afford some

accommodation to the traveling public.

We again urge you, that the least due us is a complete investigation by an unbiased committee, who is willing to expose all irregularities, regardless of whether or not it will affect men in high position.

If the State must dispose of this road, and force this loss upon her citizens, then in the name of justice and right, toward the people who have developed the country along the road, give it as a free gift to some one who will agree to operate same.

In view of your statements we do not expect the road to continue operation, but we must, with all due respect, voice our protest of what we believe to be our rights, and if a disposal of the road must be made, may we not suggest, that a committee, of men, who have never been connected with the road be selected for the disposal.

With all due respect and courtesy we remain,

Yours respectfully,

L. H. GREENWOOD,

Chairman Committee.

Palestine, Texas, Feb. 27, 1921.

Mr. J. A. Glenn, Room 89, Driskill Hotel, Austin, Texas.

Dear Sir: Enclosed please find letter from Master Mechanic Kershner, reference to inspection of State Railroad engine No. 7.

Yours truly,

Signed, W. B. DOAK,  
Superintendent.

Palestine, Texas, Feb. 25, 1921.

Personal. File 50.

Mr. W. B. Drake, Superintendent,  
Palestine, Texas.

Dear Sir: Your letter of instructions concerning inspection of State Railroad engine No. 7, beg to advise that I have this date made inspection of this engine and find the boiler and flues in good condition, the rod bushings need renewing, there is one small leak in the water space of the tank and the apron between the engine and tank, also shoveling seat needs renewing.

For \$100.00 expended in material and \$250.00 expended in labor, this engine can be placed in one hundred per cent condition. She is at present in eighty-five per cent condition, and is good for twenty-four-month service, in the service she is now in, before,

she will need classified repairs. By that I mean tires turned and flues renewed.

Yours truly,  
Signed, W. P. KRESHNER,  
Master Mechanic.

## APPENDIX B.

### Committee Reports.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: A minority of your Committee on Town and City Corporations, having had under consideration S. B. No. 156, beg leave to report that said bill be reported back to the Senate with the recommendation that it do not pass.

McNEALUS.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Town and City Corporations, to whom was referred

S. B. No. 156, A bill to be entitled "An Act empowering the governing body of any city or town in the State of Texas, of more than five thousand inhabitants, to determine, fix and regulate rates, charges, fares and compensation to be charged by certain persons, firms, corporations and public utility companies, and to prescribe rules and regulations relating to such persons, firms, corporations and companies, and to fix penalties to enforce the action of any such city or town in regard thereto, and declaring an emergency,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the committee's substitute bill, herewith presented, do pass.

WATTS, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Town and City Corporations, to whom was referred

S. B. No. 312, A bill to be entitled "An Act to amend Article 1096d, Title 22, Chapter 17, Acts 1913, relating to the Home Rule Act conferring

powers on cities having more than five thousand inhabitants, and by adding thereto the hereinafter powers upon such cities, to regulate the location, size, height, bulk and use of buildings within certain zones or districts and to divide such cities into zones or districts and to prescribe building lines and to authorize the creation of a Board of Review or Appeals as may be deemed advisable in any charter adopted by any such city under the Home Rule provision of the Constitution, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed. WATTS, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 293, A bill to be entitled "An Act to authorize counties and cities of over ten thousand inhabitants either or both, where a fund of fifty thousand dollars, or more, has been, or shall be, left by will, or otherwise, for the establishment and maintenance of a hospital in such city in which the sick and wounded of such city, or of the State of Texas, who are indigent, may be admitted and receive the care and attendance of the hospital and medical and surgical attention without cost; to aid in the maintenance of such hospital so far as in the judgment of the Commissioners' Court of the county, or of the governing body of the city, may be proper; to provide hospital accommodations and medical and surgical attention for the sick and wounded of such county or city who may be indigent; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

BAILEY, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 303, A bill to be entitled An Act to amend Section 3 of Chapter 190 of the General Laws of the Regular Session of the Thirty-fifth Legislature, which section relates to the powers, duties, compensation, etc., of the State Highway Commission, the purpose of this Act being to permit the members of said Commission to receive an annual per diem aggregating the sum of fifteen hundred dollars (\$1,500.00); and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

McMillin, Chairman; Davidson, Floyd, Witt, Dudley.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 396, A bill to be entitled An Act to amend Section 15, Chapter 9 of the Second Called Session of the Thirty-fifth Legislature of Texas, the same being an Act to create a special road law for Red River County, Texas; providing in said amendment that the County Surveyor of Red River County, Texas, shall be ex-officio County Road Superintendent for said county; and requiring a bond and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

McMillin, Chairman; Williams, Dudley, Floyd, Davidson.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 299, A bill to be entitled "An Act to provide for the establishment and maintenance of a State Training School upon the cottage plan for dependent and delinquent girls of Texas, to locate same and provide for its control and management, and to make conditional appropriations, and to provide for pri-

vate, county and city donations for its establishment, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Witt, Chairman Rogers, Darwin, McMillin, Lewis, Floyd, Richards, Hertzberg.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 496, A bill to be entitled "An Act to validate the grants of land made by the Crown of Spain to the original grantees and their heirs and assigns of Parciones, Nos. 29, 30, 31, 33, 34, 36, 37, 38, 39, 47, 48, 53, 57 and 58, lying and being situated in Webb County, Texas, and to authorize and require the Commissioner of the General Land Office to issue patents to the original grantees, their heirs or assigns to said Porciones, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

DAVIDSON, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred

S. B. No. 297, A bill to be entitled "An Act to regulate the business of insurance made on what is known as the Lloyds plan, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed, but be printed in the Journal.

PAGE, Chairman

(Floor Report.)

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Educa-

tional Affairs, to whom was referred S. B. No. 308, A bill to be entitled "An Act to provide for the establishment and maintenance of a State Training School for dependent and delinquent girls of Texas; to locate same and provide for its control, maintenance, and to make conditional appropriation and to provide for private, county and city donations for its establishment, providing who shall be confined in such home and how they may be committed to such institution, providing the conviction and punishment of those inducing girls to leave such home, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

Witt, Chairman; Rogers, Darwin, Lewis, Floyd, Richards, Hertzberg.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 240, A bill to be entitled "An Act to repeal H. B. No. 832, being Chapter 141, page 556, of the Special and Local Laws of the Thirty-third Legislature, which Act provides that Bandera County, or any political subdivision or defined district, shall have the power and is authorized to vote by a two-thirds majority of the resident property taxpayers, qualified voters of such county or political subdivision thereof, or defined district, now or hereafter to be described and defined, voting thereon to issue bonds to any amount not exceeding one-fourth of the assessed valuation of the real property of such county, etc.; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

McMillin, Chairman; Williams, Davidson, Woods.

42—Senate.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 224, A bill to be entitled "An Act to amend Sections 1 and 15 of Chapter 81 of the General Laws of the State of Texas, passed by the Fourth Called Session of the Thirty-fifth Legislature, approved April 3rd, 1918, creating the Commission of Appeals of the State of Texas, as amended by Chapter 34 of the General Laws of the State of Texas, passed by the Second Called Session of the Thirty-sixth Legislature, approved July 25th, 1919, extending the term of said Commission to the last Saturday in June, 1921, and providing for the appointment of Judges for said extended term; providing for the extension of the term of said Commission from the last Saturday in June, 1921, until the last Saturday in June, 1923, for the appointment of Judges for said extended term, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 271, A bill to be entitled "An Act to provide that attorneys at law shall have a lien upon all claims or demands, including all claims for unliquidated damages, put into their hands by others for collection or suit, or upon which suit has been instituted, for the amount of any fee which may have been agreed upon by the parties, or in the absence of an agreement, for a reasonable fee for the services of such attorneys, and that if the action is prosecuted to a recovery, the attorneys representing the parties procuring such judgment shall have a lien upon the judgment for their attorneys' fees; judgments when procured only for the legal court costs in a case are exempted from the provisions of this act; providing, further, that if the records of the courts where any such suit is instituted disclose the names of the attorneys representing the parties bringing the suit, or if the

parties owing the debt or interested therein otherwise have notice that such claim or demand has been placed in the hands of such attorneys for collection or suit, the defendant in the suit or others interested therein, or if suit be brought thereon, the party owing the debt and having such notice, shall be deemed to have had notice of the attorneys' fees due thereon, and of the lien existing in favor of such attorneys securing the same, and such attorneys may collect such fees from said parties in the same manner as other debts of a similar nature are collected, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 307, A bill to be entitled "An Act amending Article 2934, Title 49, Chapter 3, Revised Civil Statutes of the State of Texas of 1911, relating to the ordering of elections in cities, towns and villages, pertaining alone to municipal affairs; providing for the giving of notice and appointment of election officers and supervisors and the selection of judges and clerks of said election, re-enacting the said section and providing in addition that if the Mayor or any of the officials in whom is vested the authority of ordering such election should be a candidate at such election, then the County Judge of the county should be vested with authority to appoint the presiding judges of such election, and to declare an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 363, A bill to be entitled "An Act to create a more efficient and better road system for Brazos County, Texas, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McMillin, Chairman; Floyd, Davidson, Woods, Witt, Williams.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 188, A bill to be entitled "An Act to amend Sections 2, 11, 13, 14, 15, 25 and 30 of Chapter 4 of the Special Laws of the Regular Session of the Thirty-fifth Legislature, entitled 'An Act to create a more efficient road law for Llano County, Texas, and to provide for the appointment of a Superintendent of Public Roads, Highways and Bridges for Llano County, and to provide his qualifications, term of office, etc.,' and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McMillin, Chairman; Floyd, Davidson, Woods, Witt, Williams.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 357, A bill to be entitled "An Act to amend Section 12 of Chapter 95 of the Local and Special Laws of the State of Texas, passed at the Regular Session of the Thirty-third Legislature, which was an Act to create a road system for Navarro County, Texas, so as to more particularly define the membership of the Boards of Permanent Road Commissioners for road districts created in Navarro County, Texas; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McMillin, Chairman; Floyd, Davidson, Woods, Witt, Williams.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 241, A bill to be entitled "An Act to repeal Chapter 60, of the Local and Special Laws of the Regular Session of the Thirty-sixth Legislature, approved March 13, 1919, creating a special road system for Falls County, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

McMillin, Chairman; Floyd, Davidson, Woods, Witt, Williams.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

H. B. No. 409, A bill to be entitled "An Act to create a more efficient road system for Angelina County, Texas, making County Commissioners ex-officio Road Commissioners, etc., repealing all laws and parts of laws in conflict with this Act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, but be not printed.

McMillin, Chairman; Floyd, Davidson, Woods, Witt, Williams.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Town and City Corporations, to whom was referred

S. B. No. 300, A bill to be entitled "An Act amending Articles 1092, 1094 and 1095 of the Revised Civil Statutes of the State of Texas of 1911, relative to incorporated cities and towns and the abolishing of their corporate existence and reincorporation thereof; providing for the disposition of money and property of such incorporated cities and towns upon the abolishing of their corporate existence and providing for the collection and disposition of taxes due such abolished corporation; the main purpose of the Act

being to provide a method whereby the money, property and taxes of an incorporated city or town whose corporate existence is abolished may be taken over by the new municipality where a new incorporation is formed with the same or additional or less territory than that of the old incorporated city or town; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WATTS, Chairman.

(Floor Report.)

Senate Chamber,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on State Affairs, have examined

S. B. No. 325, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail, to construct their roads and branches or any part thereof, within the time required by law, and declaring an emergency."

We recommend that the bill do not pass, but that the committee substitute do pass, and that neither the bill nor the substitute be printed.

Carlock, Chairman; Wood, Dudley, Bailey, Hertzberg, Williams, McNealus.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 200, A bill to be entitled "An Act to require public service corporations to allow each employe a vacation of fifteen days each year on full pay during the term of service of such employe; providing for the computation of such vacation period, and declaring an emergency,"

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

McNEALUS, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Min-

ing, Irrigation and Drainage, to whom was referred

S. B. No. 210, A bill to be entitled "An Act to amend Section 29, Chapter 118, General Laws of the Thirty-second Legislature, Regular Session, approved March 28th, 1911, as amended by Chapter 36, page 91, General Laws, Thirty-third Legislature, First Called Session, 1913, entitled, 'An Act to authorize the Commissioners' Courts of the several counties of Texas to create and establish drainage districts, to construct canals, drains and ditches, to make levees, improve streams and water courses, and make other improvements for the purpose of drainage, etc., and declaring an emergency,' the said section relating to the execution of a bond by the County Judge after registration of drainage bonds, payment of premium by drainage district if bond is executed by surety company, and providing for the compensation of the County Judge for his services so that said section shall hereafter read as herein set out, and declaring an emergency."

Have had same under consideration, and we are instructed to report same back to the Senate with the recommendation that it do pass.

Bledsoe, Chairman; Dudley, Williams, Murphy, Baugh, Bailey.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 119, A bill to be entitled "An Act to provide for the survey and marking of the coast line of Texas within tide water limits and the employment of surveyors for that purpose; adopting the mean high tide water line as the property line between public and private property; prescribing the duty of surveyors; providing for suits against the State of land owners when they are unwilling to accept the line approved by the Commissioners of the General Land Office; providing for the compensation of surveyors and necessary help; providing penalty for one who may be found guilty of moving or destroying any mark or monument erected by a surveyor as a mark in the survey of the line herein provided for, and declaring an emergency."

Have had the same under consideration, and I am instructed to report

the same back to the Senate with the recommendation that it do not pass, but that the committee substitute bill pass in lieu thereof, and that only the substitute be printed.

DAVIDSON, Chairman.

Committee Room,

Austin, Texas, March 1, 1921

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 309, A bill to be entitled "An Act to amend Chapter 81, Acts of the Second Called Session of the Thirty-sixth Legislature, by adding a new section to said Chapter 81, to be known as Section 18a, providing that when the owner of the surface has leased the oil and gas, as provided in said Chapter, and afterwards the rights of the surface owner are forfeited or cancelled by the State for any legal reason, the lessee may secure from the Land Commissioner by applying for same within ninety days after the forfeiture and notice thereof mailed to the County Clerk of the county where the land is located a new lease contract on the identical terms of the original, except that on the new lease he shall be required to pay to the State one-eighth of the oil produced; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 250, A bill to be entitled "An Act to validate sales of certain public school lands situated in whole or in part in Uvalde County, State of Texas, sold by the State on November 28, 1904, September 20, 1909, and January 2, 1919, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

DAVIDSON, Chairman.

Committee Room,  
Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 316, A bill to be entitled "An Act granting to the city of Port Lavaca, Texas, all right title and interest of the State to certain land lying and being situated under the waters of Lavaca Bay, and granting to said city of Port Lavaca, Texas, the right, power and authority to locate, construct, own and maintain certain sea walls or break waters on said lands, and to fill in the space between the main land and said sea wall or break waters with sand, dredge spoil or other material, and granting to the said city of Port Lavaca the right to take from Lavaca Bay such sand, dredge spoil or other material as may be necessary or desirable for filling in such space; and authorizing said city of Port Lavaca to remove and abate any encroachment or structures existing on said property, and to bring suit or suits as may be necessary to carry out the provisions of this Act; and granting to said city of Port Lavaca the right to fix the shipping district, and to authorize, purchase, construct, own and maintain piers and wharves and to grant franchise therefor, and to construct and maintain slips into the waters of Lavaca Bay beyond said sea walls or break waters, and within the territory herein granted; granting the right of eminent domain, and reserving all mineral rights to the State; providing for the appraisement of said land and the sum per acre to be paid for said land, and the disposition of said funds, and the issuance of a patent therefor, fixing the time to begin construction and reserving to the State and the United States Government the right to erect wharves, piers and buildings on said land, and reserving the right to place all piers and wharves and the rates and charges thereon under the supervision of the Railroad Commission of the State, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass.

DAVIDSON, Chairman.

Senate Chamber,  
Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Insurance and Banking, to whom was referred House Concurrent Resolution No. 22, have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass but that the following committee substitute do pass and be not printed.

PAGE, Chairman.

Substitute for H. C. R. No. 22.

Whereas, It is of vast financial importance to the State that a fixed policy be established with reference to the carrying of fire insurance upon buildings and their contents belonging to the State and its various institutions; and

Whereas, A tabulation of annual premiums necessary to carry insurance on buildings belonging to the State other than the Capitol building, the Governor's Mansion, Capitol Power House and Old Land Office Building, discloses that such premiums would require an annual outlay of \$128,149.53, and for insurance premiums on the contents of such buildings would require an annual outlay of \$31,826.82, making a total annual expenditure of the premiums of \$159,976.35; and

Whereas, The loss by fire during the past preceding five years has aggregated the sum of \$184,816.25; and

Whereas, The aggregate premiums required to carry insurance on said property for five years in the sum of \$799,861.75, discloses a net loss to the State during said five year period of \$615,065.50; and

Whereas, It is now the policy of the State, and has been for some years, that all of the new buildings constructed by it be fire proof throughout, thereby materially lessening the fire hazard, and

Whereas, It is believed the experience of five years more—a long enough period of time upon which to make a correct and intelligent esti-



mate—would show the same relative premiums paid and losses sustained; and

Whereas, The Constitution of the State of Texas prohibits appropriations by the Legislature for the erection of buildings for the University, or any branch thereof; therefore, be it

Resolved, By the House of Representatives, the Senate concurring, that it is the policy of this State that it do not further carry fire insurance on any of its recently constructed fire-proof buildings, but for the present it shall continue the insurance only on the buildings and contents of the University of Texas and all of its branches, including the Agricultural and Mechanical College, the Medical Division and the Prairie View Normal.

Committee Room,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 319, A bill to be entitled "An Act amending Chapter 41 of the Special Laws passed at the Regular Session of the Thirty-third Legislature, creating a more efficient road system for McLennan County, Texas, so as to authorize the commissioners' court of McLennan County to pay the road superintendent a yearly salary of not exceeding five thousand (\$5,000.00) dollars and repealing laws in conflict herewith, and declaring an emergency,"

Have had same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

McMILLIN, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 14 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 313 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 29 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 196 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 110 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 109 carefully compared and find same to be correctly engrossed.

HARP, Chairman.

Senate Chamber,

Austin, Texas, March 1, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 325 carefully compared and find same to be correctly engrossed.

HARP, Chairman.